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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/804,541 | 03/19/2004 | Peter S. Vosbikian | QUK-003 | 7458 |
| 26689 7590 01/10/2007 WILDMAN HARROLD ALLEN & DIXON 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606 | | | EXAMINER JACKSON, ANDRE L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3677 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 30 DAYS | | 01/10/2007 | .PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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10/804541

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| EXAMINER |
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| ART UNIT | PAPER |
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20070105

DATE MAILED:

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Commissioner for Patents

DETAILED ACTION

Response to Amendment

The reply filed on October 31, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In particular, the Examiner holds applicant's amendment to the claims under election by original presentation.

Newly submitted and amended method claims 18-23, 25-33, 35-42, 44, 45 and 60-67 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Here, applicant has elected to change the scope or criticality of the above amended method claims to specify a method for shipping a plurality of implements which more clearly defines applicant's attempt to disclose a specific procedural process of shipping a product/good or service. Conversely, the original elected claims 18-45 were broader and much diverse in scope only requiring a method of providing implements and procedurally sending the implements to a destination. Here, providing a plurality of implements and sending these implements to a destination could be interpreted as a place of storage such as a warehouse. Further, the implements could have a multi-phase assembly process wherein the implements are sent from one location (initial assembly point) within the storage facility to a second location (final assembly point) therein. Therefore, applicant's decision to change the scope and/or criticality of a specific process falls within a business practice denoted within business method and procedures of class 705, subclass 1 or subclass 26. This class refers to either a device or to a method of use of a device for performing the indicated process.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-23, 25-33, 35-42, 44, 45 and 60-67 are withdrawn from consideration as being directed to a non-elected invention. No further treatment on the merits of the above claims has been performed. See 37 CFR 1.142(b) and MPEP § 821.03.

Also See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER